

Court proposals are a threat to judiciary

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Washington state conservatives are on the attack, and they've taken aim at the state Supreme Court. Two recent salvos range from the ridiculous — making high court elections partisan — to the overtly political — electing justices by geographic district. Neither proposal has merit within our appellate judicial system.

Republican Rep. Richard DeBolt, R-Chehalis, has filed a bill that would turn state Supreme Court elections into partisan contests. On the surface, DeBolt's bill looks like a joke, or a jab at the court for insisting state lawmakers fully fund K-12 basic education. But it's no joke.

National conservative interests have spent scandalous sums of outside money — thanks to the 2010 Citizens United decision — to influence state appellate court elections. Scurrilous attack ads in a recent Wisconsin state Supreme Court election alleged the incumbent works to put child rapists on the street.

A more subtle strategy is being tried in Washington. Conservatives are promoting a constitutional amendment to elect state Supreme Court justices by geographic district, rather than on a statewide basis.

There is a contingent of people who believe that Eastern Washington is under-represented politically, and that the Puget Sound urban corridor has too big a voice in statewide matters. In the past, this has led to myriad proposals, including the creation of a separate state.

The current proposal is really a Trojan horse for these broader ultra-conservative goals.

But the division of powers under the Washington Constitution is clear. It provides for political offices, such as the state Legislature, designed to reflect specific geographic interests. It's logical, because legislative issues relate directly to voters whose interests vary in different parts of the state.

The appeals courts' constitutional role, however, is to interpret the laws passed by the Legislature, and therefore it is constitutionally prohibited from being partial to any political position. Justices are not supposed to represent any constituency of people, but rather to be objective in reviewing laws and unresolved legal questions.

Supreme Court justices cannot be lobbied on cases. They do not meet with voters to solicit their views on cases before issuing decisions. They are the court of last resort making case law that binds the entire state, not a specific region. Statewide election, therefore, makes sense.

There are other serious problems with the regional election proposal. The most glaring is that a three-district system would give Eastern Washington voters twice the voice on the court than other state residents, despite Western Washington having double the population.

Chief Justice Barbara Madsen has pointed out that because justices sit year-round in Olympia, they all move to within easy driving distance of the court after election. Justice Debra Stephens, who is from the Spokane area, has said they all become west-side justices by necessity.

Creating Supreme Court districts encourages the unwelcome prospect of enormous and unaccountable spending to influence elections. The proponents of this idea may believe that bankrolling judicial elections gains more influence than spending the same amount on a single legislative race.

An impartial state appellate judiciary depends on objective justices who decides cases on the law and common sense, not by representing the views of any constituency.